

Administration

Employee  
Responsibilities

**Sexual Harassment**

**POLICY:**

- .01 Laboratory employees have the right to work in an environment that is free from unwelcome behavior or comments of a sexual nature. Sexual harassment is unacceptable conduct and is prohibited. The Laboratory takes measures to prevent acts of sexual harassment that affect a term, condition, or privilege of employment as described in [.03](#). The Laboratory takes prompt corrective and/or disciplinary action for any act that violates this policy or the rights and privileges it was designed to protect.
- .02 Intimidating, coercing, threatening, discriminating against, or taking reprisal against an employee for complaining about sexual harassment or for assisting with an investigation of a complaint is prohibited.

**DEFINITION OF SEXUAL  
HARASSMENT:**

- .03 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- .04 Sexual harassment as defined above could be committed by Laboratory supervisors, managers, co-workers, or non-Laboratory employees and by males or females.

**Examples of Sexual**

- .05 Sexual harassment may occur in a variety of forms.

## Sexual Harassment

### Harassment

The following are examples of behaviors or situations that may constitute sexual harassment if they are unwelcome and if they affect a term, condition, or privilege of employment as described in [.03](#):

Verbal or written sexual statements, comments, jokes, questions, or innuendos;

Assault, molestation, or unwelcome physical contact such as touching, patting, pinching, brushing against, or hugging;

Requests, demands, or subtle pressure for sexual activity;

Threats or retaliation against an employee who refuses unwelcome sexual attention or behavior;

Overt promises or any practice that implies preferential treatment for an employee in exchange for dates, sexual attention, or sexual behavior;

A pattern of sexual insult and innuendo, including lewd remarks, obscene gestures, sexually suggestive materials, or derogatory comments; or

Any conduct that denigrates, ridicules, or is abusive to an individual because of her or his gender.

### Prohibition on Display of Sexually-Oriented Visuals

- .06 In addition to the above examples, the display of sexually-oriented visuals such as calendars, cartoons, photos, or posters can constitute sexual harassment. The display of such material on Laboratory premises is prohibited.

### Sex Discrimination

- .07 Sex discrimination occurs when employment decisions are based on an employee's sex or when an employee is treated differently because of his or her sex. Sexual harassment is one form of sex discrimination. Allegations of sex discrimination, other than sexual harassment complaints, are processed under [AM 111](#), Employee Complaints.
- .08 The following are examples of behaviors that are not sexual harassment but that may be sex discrimination:

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A manager avoids interviewing female candidates for certain vacancies because he believes that men are more effective in professional positions.

The supervisor of a male and female work force always asks the female employees to make coffee and plan office parties.

### RESPONSIBILITY TO EXPRESS UNWELCOMENESS

- .09 Because claims of sexual harassment are largely based on sexual conduct being unwelcome, a victim has the responsibility to tell the harasser that his or her behavior is not asked for or wanted. If the victim is uncomfortable telling the harasser to stop, the victim should seek assistance from a Group Leader or higher-level manager or from the Employee Relations Group (HRD-1).

### COUNSELING:

- .10 The Laboratory recognizes the debilitating effect of sexual harassment on all individuals involved. Consequently, the Laboratory provides counseling for employees who experience such harassment, who are accused of sexually harassing others, or who are otherwise involved in sexual harassment situations.
- .11 HRD-1 counselors will assist any manager, supervisor, or employee who has a question, concern, or personal issue related to sexual harassment. HRD-1 staff coordinate remedial action in response to complaints of sexual harassment (*see* [.14-.15](#)) but protect the privacy of individuals to the maximum extent possible.
- .12 The Occupational Medicine Group (HSE-2) also provides counseling to employees on issues of sexual harassment. Because HSE-2 counseling is a medical service, the information discussed, like any other medical information, is held in the strictest confidence.

### COMPLAINTS OF HARASSMENT:

#### Where to Bring

- .13 Employees who are victims of sexual harassment or

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### Complaints

who know of sexual harassment directed at others are strongly encouraged to immediately notify the Group Leader or higher-level manager. If the problem is not resolved or if the individual feels more comfortable discussing the matter with an office outside the line organization, the individual should contact HRD-1. All complaints will be handled promptly, and the privacy of individuals will be protected to the maximum extent possible. See [.11](#) and [.14-.15](#).

### Investigation of Complaints

- .14 It is the Laboratory's intent to provide a fair and impartial process for investigating complaints of sexual harassment. HRD-1 (not the line organization) conducts investigations of sexual harassment to provide factual information to line management, so that line management can take prompt and appropriate action.
- .15 At the conclusion of an investigation, HRD-1's findings of fact are evaluated by the appropriate level of line management. The line management, with assistance from HRD-1, determines
  - What, if any, remedy should be provided to the complainant and
  - Whether any corrective or disciplinary action should be initiated.

### DISCIPLINE:

- .16 Resolution of complaints may result in disciplinary action aimed at individuals who participate in harassment. Supervisors and managers who fail to take prompt and appropriate action in response to actual or alleged incidents of harassment are also subject to disciplinary action.
- .17 Depending on the circumstances of each case and the seriousness of the offense, disciplinary action may include any of the following: written reprimand, suspension, reassignment, salary decrease, demotion, and/or termination. Corrective or disciplinary action is initiated according to AM 112. Proposed adverse actions are reviewed by a Case Review Board. See [AM 112](#), *Disciplinary Policy and Procedures*.

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### **RESPONSIBILITIES OF MANAGERS AND SUPERVISORS:**

- .18 Supervisors and managers have the following responsibilities:
- Know the policy on sexual harassment;
  - Do not make any statements or behave in any manner that could potentially be construed as sexual harassment (*see* [.05](#));
  - In the course of providing supervision, be alert to potential instances of sexual harassment;
  - Immediately notify the Group Leader or next higher-level manager and HRD-1 upon receipt of an allegation of sexual harassment or upon observation of behavior, verbal exchanges, etc., that indicate sexual harassment may be occurring or may have occurred;
  - Cooperate with HRD-1 in the investigation of sexual harassment complaints;
  - Take immediate action to stop confirmed instances of sexual harassment;
  - After a complaint of sexual harassment has been substantiated, monitor the situation to ensure that the harassment has stopped; and
  - Ensure that the parties involved in a sexual harassment situation are not retaliated against.

### **Complaints By or About Nonemployees**

- .19 Supervisors must take appropriate corrective action when a nonemployee, such as a vendor, contractor, or consultant, sexually harasses an employee or when an employee sexually harasses a nonemployee. The supervisor must take appropriate corrective action to intervene in any observed sexual harassment involving nonemployees. The supervisor must also report the incident to HRD-1, who then notifies the nonemployee's employer

### **MANAGEMENT AND SUPERVISORY TRAINING:**

- .20 Prevention is the best means for eliminating sexual harassment. Training for managers and supervisors is available to increase knowledge about sexual harassment policy, laws, and issues; define what constitutes sexual harassment; create an understanding of the process and procedures for

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enforcing this policy and applicable laws; and clarify responsibilities for handling instances of sexual harassment. Contact HRD-1 for information about training.

**INFORMATION DISCLOSURE:** .21 The Laboratory complies with all applicable laws governing the maintenance and disclosure of written records created as a result of sexual harassment concerns or complaints. Personal information about employees is protected as required by the applicable laws. See [AM 708](#), *Information Practices*.